

REFERENCE TITLE: **acquiifer protection permits; natural gas.**

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1236

Introduced by
Senator Nelson

AN ACT

AMENDING SECTION 49-250, ARIZONA REVISED STATUTES; RELATING TO WATER QUALITY CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 49-250, Arizona Revised Statutes, is amended to
3 read:

4 49-250. Exemptions

5 A. The director ~~may~~, by rule, MAY exempt specifically described
6 classes or categories of facilities from the aquifer protection permit
7 requirements of this article on a finding either that there is no reasonable
8 probability of degradation of the aquifer or that aquifer water quality will
9 be maintained and protected because the discharges from such facilities are
10 regulated under other federal or state programs that provide the same or
11 greater aquifer water quality protection as provided by this article.

12 B. The following are exempt from the aquifer protection permit
13 requirement of this article:

14 1. Household and domestic activities.

15 2. Household gardening, lawn watering, lawn care, landscape
16 maintenance and related activities.

17 3. The noncommercial use of consumer products generally available to
18 and used by the public.

19 4. Ponds used for watering livestock and wildlife.

20 5. Mining overburden returned to the excavation site including any
21 common material ~~which~~ THAT has been excavated and removed from the excavation
22 site and has not been subjected to any chemical or leaching agent or process
23 of any kind.

24 6. Facilities used solely for surface transportation or storage of
25 groundwater, surface water for beneficial use or reclaimed water that is
26 regulated pursuant to section 49-203, subsection A, paragraph 6 for
27 beneficial use.

28 7. Discharge to a community sewer system.

29 8. Facilities that are required to obtain a permit for the direct
30 reuse of reclaimed water.

31 9. Leachate resulting from the direct, natural infiltration of
32 precipitation through undisturbed regolith or bedrock if pollutants are not
33 added to the leachate as a result of any material or activity placed or
34 conducted by man on the ground surface.

35 10. Surface impoundments used solely to contain storm runoff, except
36 for surface impoundments regulated by the federal clean water act.

37 11. Closed facilities. However, if the facility ever resumes operation
38 the facility shall obtain an aquifer protection permit and the facility shall
39 be treated as a new facility for purposes of section 49-243.

40 12. Facilities for the storage of water pursuant to title 45, chapter
41 3.1 unless reclaimed water is added.

42 13. Facilities using central Arizona project water for underground
43 storage and recovery projects under title 45, chapter 3.1, article 6.

44 14. Water storage at a groundwater saving facility that has been
45 permitted under title 45, chapter 3.1.

1 15. Application of water from any source, including groundwater,
2 surface water or wastewater, to grow agricultural crops or for landscaping
3 purposes, except as provided in section 49-247.

4 16. Discharges to a facility that is exempt pursuant to paragraph 6 if
5 those discharges are regulated pursuant to 33 United States Code section
6 1342.

7 17. Solid waste and special waste facilities ~~when IF~~ rules addressing
8 aquifer protection are adopted by the director pursuant to section 49-761 or
9 49-855 and those facilities obtain plan approval pursuant to those rules.
10 This exemption shall only apply if the director determines that aquifer water
11 quality standards will be maintained and protected because the discharges
12 from those facilities are regulated under rules adopted pursuant to section
13 49-761 or 49-855 that provide aquifer water quality protection that is equal
14 to or greater than aquifer water quality protection provided pursuant to this
15 article.

16 18. Facilities used in:

17 (a) Corrective actions taken pursuant to chapter 6, article 1 of this
18 title in response to a release of a regulated substance as defined in section
19 49-1001 except for those off-site facilities that receive for treatment or
20 disposal materials that are contaminated with a regulated substance and that
21 are received as part of a corrective action.

22 (b) Response or remedial actions undertaken pursuant to article 5 of
23 this chapter or pursuant to CERCLA.

24 (c) Corrective actions taken pursuant to chapter 5, article 1 of this
25 title or the resource conservation and recovery act of 1976, as amended (42
26 United States Code sections 6901 through 6992).

27 (d) Other remedial actions ~~which THAT~~ have been reviewed and approved
28 by the appropriate governmental authority and taken pursuant to applicable
29 federal or state laws.

30 19. Municipal solid waste landfills as defined in section 49-701 that
31 have solid waste facility plan approval pursuant to section 49-762.

32 20. Storage, treatment or disposal of inert material.

33 21. Structures that are designed and constructed not to discharge and
34 that are built on an impermeable barrier that can be visually inspected for
35 leakage.

36 22. Pipelines and tanks designed, constructed, operated and regularly
37 maintained so as not to discharge.

38 23. Surface impoundments and dry wells that are used to contain storm
39 water in combination with discharges from one or more of the following
40 activities or sources:

- 41 (a) ~~fire fighting~~ FIREFIGHTING system testing and maintenance.
- 42 (b) Potable water sources, including waterline flushings.
- 43 (c) Irrigation drainage and lawn watering.
- 44 (d) Routine external building wash down without detergents.

1 (e) Pavement wash water ~~where~~ IF no spills or leaks of toxic or
2 hazardous material have occurred unless all spilled material has first been
3 removed and no detergents have been used.

4 (f) Air conditioning, compressor and steam equipment condensate that
5 has not contacted a hazardous or toxic material.

6 (g) Foundation or footing drains in which flows are not contaminated
7 with process materials.

8 (h) Occupational safety and health administration or mining safety and
9 health administration safety equipment.

10 24. Industrial wastewater treatment facilities designed, constructed
11 and operated as required by section 49-243, subsection B, paragraph 1 and
12 using a treatment system approved by the director to treat wastewater to meet
13 aquifer water quality standards prior to discharge, if that water is stored
14 at a groundwater storage facility pursuant to title 45, chapter 3.1.

15 25. CLASS II INJECTION WELLS THAT ARE USED IN CONNECTION WITH NATURAL
16 GAS STORAGE PROJECTS AND THAT ARE SUBJECT TO REGULATION UNDER THE SAFE
17 DRINKING WATER ACT AND 40 CODE OF FEDERAL REGULATIONS PART 144.